

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR-08-0340 SBA
12 Plaintiff,) ORDER GRANTING JOINT MOTION TO
13 v.) CONTINUE HEARING DATE TO
14 TY WESLEY RYAN (a/k/a Ty Wesley) SEPTEMBER 2, 2008 AND TO EXCLUDE
15 Tyan, a/k/a Ty Ryan),) TIME UNDER THE SPEEDY TRIAL ACT
16 Defendant.)
Date: September 2, 2008
Time: 9:00 a.m.
Court: Hon. Saundra B. Armstrong

The parties jointly requested that the hearing in this matter be continued from July 8, 2008 to September 2, 2008, and that time be excluded under the Speedy Trial Act between the date of their joint motion and September 2, 2008 to allow for the defendant's presence as set forth in the parties' stipulated request. The basis for the parties' joint motion is as follows.

On June 20, 2008, United States Magistrate Judge Nandor J. Vadas granted the United States' Motion for Writ of Habeas Corpus Ad Prosequendum as to the defendant and ordered the United States Marshal and the Sheriff for Alameda County to bring the defendant before this Court for the July 8, 2008 status conference. However, between June 20, 2008 and July 8, 2008, unbeknownst to the parties and the Court, the defendant was moved from the custody of Alameda County to the custody of the California Department of Corrections and Rehabilitation

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1 ("CDCR") to begin serving a state imposed sentence on a separate charge. Accordingly, the
2 defendant's presence could not be obtained with due diligence for the July 8, 2008 status
3 conference. The parties will now file an Amended Petition for Writ of Habeas Corpus Ad
4 Prosequendum with the United States Magistrate Judge directing the CDCR to produce the
5 defendant at a later date, as directed by this Court. For these stated reasons and good cause
6 appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(3)(A),

7 **IT IS HEREBY ORDERED** that this matter is set for a status conference on
8 September 2, 2008 at 9:00 a.m., and that time between July 8, 2008 and September 2, 2008 will
9 be excluded under the Speedy Trial Act to allow for the parties to obtain the presence of the
10 defendant with all due diligence.

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12 DATED: 7/14/08

Saundra B. Armstrong
13 HON. SAUNDRA BROWN ARMSTRONG
United States District Judge

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